

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Glynn Darryl Harper,) C/A No. 8:23-cv-01337-SAL-JDA
)
Plaintiff,) **OPINION AND ORDER**
)
vs.)
)
David Baker; Chad McBride, Sheriff,)
Mrs. Addison, Nurse,)
)
Defendants.)

This matter is before the court for review of the May 5, 2023, Report and Recommendation (Report) of United States Magistrate Judge Jacquelyn D. Austin, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B) (D.S.C.). [ECF No. 16.] In the Report, the magistrate judge recommends that this action is subject to summary dismissal without further leave to amend and without issuance and service of process. *Id.* at 9. No party filed objections to the Report, and the time to do so has lapsed.

The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a de novo determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). Without any objections, the court need not explain adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 16, and incorporates the Report by reference. Accordingly, this action is **DISMISSED** pursuant to 28 U.S.C. § 1915 and § 1915A with prejudice¹ and without issuance and service of process.

IT IS SO ORDERED.

August 9, 2023
Columbia, South Carolina

/s/Sherri A. Lydon
Sherri A. Lydon
United States District Judge

¹ As Plaintiff has been afforded an opportunity to file an Amended Complaint but failed to correct his pleading deficiencies. Plaintiff was specifically instructed to do more than allege conclusory statements with respect to his deliberate indifference claim and failed to do so.